

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

914E0585

## SENATE BILL NO. 125

Introduced by: Senators Vitter, Albers, Apa, Koetzle, Moore, Olson (Ed), and Putnam and  
Representatives Broderick, Abdallah, Flowers, Holbeck, and Solum

1 FOR AN ACT ENTITLED, An Act to clarify workers' compensation coverage for  
2 uncompensated volunteers and prisoners.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 62-1-5.1 be amended to read as follows:

5 62-1-5.1. ~~Volunteer workers~~ Any volunteer worker, local prisoner, or state or federal inmate  
6 rendering services in or for any agency, department, institution, or instrumentality of the state  
7 or of any of its political subdivisions, including ~~but not limited to~~ counties, townships, school  
8 districts, or municipalities, whose services have been duly recommended to the officer or  
9 governing body responsible for employment of personnel for the respective entity and duly  
10 appointed thereto by such officers or governing body, shall for purposes of this title be deemed  
11 ~~employees~~ an employee of the state or the political subdivision, as the case may be. The  
12 ~~appointments~~ appointment shall be entered into the official records or minutes of the entity.

13 In the event of injury or death for the purposes of computing compensation, ~~said~~ a volunteer  
14 uncompensated ~~workers~~ worker shall be considered to be earning ~~a wage that would entitle them~~  
15 ~~to the maximum compensation for death or injury allowable under this title, but in~~ the same wage

1 the volunteer uncompensated worker received as wages during the past six months. In the event  
2 the volunteer uncompensated worker is not otherwise employed, the worker shall be considered  
3 to be earning the state minimum wage. In no event shall may payments to volunteer  
4 uncompensated workers exceed the maximum limitations for benefits as set out in this title. No  
5 local prisoner, state inmate, or federal inmate providing services to the state or any of its political  
6 subdivisions may be considered a volunteer worker under this section.